

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Alan Foxon  
Serial No.: 10/816,263  
Filing Date: March 31, 2004  
Art Unit: 1771  
Examiner: Cheryl Ann Juska  
Confirmation No.: 9837  
Title: PLAYING SURFACE STRUCTURE AND METHOD  
OF CONSTRUCTION OF A PLAYING SURFACE

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR REFUND**

I. On September 26, 2006, the U.S. Patent and Trademark Office debited the Baker Botts L.L.P. Deposit Account No. 02-0384 in connection with the above referenced patent application. The U.S. Patent and Trademark Office debited said account \$525.00 under RAM number 335 for the fees in filing a Request for Continued Examination and a Petition to Withdraw from Issue.

The Petition to Withdraw from Issue was filed concurrently with a Request for Continued Examination ("RCE") and an Information Disclosure Statement via EFS web filing on September 26, 2006. The fee for the RCE was \$395.00 and the fee for the petition was \$130.00. Both fees were debited via Baker Botts L.L.P. Deposit Account No. 02-0384 at the time of filing (see attached PTO Acknowledgement Receipt). The Petition to Withdraw from Issue was not necessary since the issue fee had not been paid. (see attached Decision Dismissing Petition Under 37 CFR 1.313(a)). Accordingly, Applicant respectfully requests a refund of \$130.00 in this matter.

II. FEES PAID FOR WHICH REFUND REQUESTED

Amount of \$130.00 charged in error for the fee due in connection with a Petition to Withdraw from Issue.

III. MANNER OF REFUND

Please make refund by crediting Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.

Attorneys for Applicants



Charles S. Fish  
Reg. No. 35,870

Date: 05 Oct 06  
Customer No.: 05073

**Acknowledgement Receipt**

The USPTO has received your submission at **16:44:33** Eastern Time on **26-SEP-2006** by Deposit Account: 020384.

\$ **525** fee paid by e-Filer via *RAM* with Confirmation Number: 335.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

**eFiled Application Information**

EFS ID	1220678
Application Number	10816263
Confirmation Number	9837
Title	PLAYING SURFACE STRUCTURE AND METHOD OF CONSTRUCTION OF A PLAYING SURFACE
First Named Inventor	Stephen Alan Foxon
Customer Number or Correspondence Address	5073
Filed By	Charles Spaulding Fish/Judy Baggett
Attorney Docket Number	072819.0157
Filing Date	31-MAR-2004
Receipt Date	26-SEP-2006
Application Type	Utility

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
157rce.pdf	7		157551 bytes	◆ PASS
		<b>Document Description</b>	<b>Page Start</b>	<b>Page End</b>
		Request for Continued Examination (RCE)	1	1
		Claims	2	5
		Applicant Arguments/Remarks Made in an Amendment	6	7
157ids.pdf	4	Information Disclosure Statement (IDS) Filed	103800 bytes	▲ WARNINGS
This is not an USPTO supplied IDS fillable form				
157ref1.pdf	20	Foreign Reference	840496 bytes	◆ PASS
157ref2.pdf	16	Foreign Reference	674075 bytes	◆ PASS
157ref3.pdf	19	Foreign Reference	556321 bytes	◆ PASS
157ref4.pdf	6	Foreign Reference	326482 bytes	◆ PASS

157ptwfi.pdf	3	Petition to Withdraw from Issue	60174 bytes ◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	8351 bytes ◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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SEP 28 2006

OFFICE OF PETITIONS

In re Application of :  
Stephen Alan Foxon :  
Application No. 10/816,263 : DECISION DISMISSING PETITION  
Filed: March 31, 2004 : UNDER 37 CFR 1.313(a)  
Attorney Docket No. 072819.0157 :

This is a decision on the petition under 37 CFR 1.313(a), filed September 26, 2006, requesting withdrawal of the above-identified application from issue.

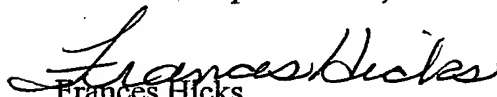
The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on July 11, 2006, with the issue fee being due on or before October 11, 2006. There is no indication that the issue fee has been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. Note MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

The matter is being referred to Technology Center AU 1771 for appropriate processing of the RCE filed September 26, 2006.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions